

1 **Nasser U. AbuJbarah (026182)**
2 The Law Offices of Nasser U. AbuJbarah
3 7025 E. McDowell Rd., Ste 9
4 Scottsdale, Arizona 85257
5 Office: (480) 776-6846
6 Fax: (480) 776-6847
7 Email: nasser@nualegal.com

5 | *Attorney for Debtors*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re:

Case No. 2:09-bk-29382-CGC

Garry Edward Musselman and Lisa Ann Musselman,

Chapter 13

Debtors.

**DEBTORS' EMERGENCY
MOTION TO RE-IMPOSE THE
AUTOMATIC STAY**

Wells Fargo Bank, N.A., and its successors and/or assignees,

Re: Real Property Located at
7036 East Minton Street
Mesa, Arizona 85207

Vs

Garry Edward Musselman and Lisa Ann Musselman, Debtors.

Respondents.

TO THE HONORABLE CHARLES G. CASE, UNITED STATES BANKRUPTCY JUDGE,
THE SECURED CREDITOR, SECURED CREDITOR'S COUNSEL, THE TRUSTEE AND
OTHER INTERESTED PARTIES:

Debtors, by and through undersigned counsel, hereby request an emergency hearing to re-impose the automatic stay on their home.

Debtors and secured creditor, Wells Fargo, had reached an agreement to allow all arrears to be put in the Chapter 13 plan while maintaining regular payments from that point forward.

Debtors missed a payment and secured creditor noticed out a Notice of Default and lodged a Certificate of Service and No Objection and lodged an Order lifting the stay,

Since the time the Order granting stay relief was signed, Debtors have been actively discussing scenarios with creditor and nothing has transpired. Debtors are now three months behind but have the money in hand to bring the debt current. Undersigned counsel has relayed this offer to counsel for the secured creditor with no avail.

The foreclosure sale is occurring tomorrow, Friday January 21st at noon. Debtors can pay the three mortgage payments immediately and can even bring the funds to the hearing. Debtors should be given the opportunity to do so and remain in their home.

RESPECTFULLY SUBMITTED this 20th day of January 2011.

The Law Offices of Nasser Abujbarah

By ____/s/Nasser U Abujbarah _____

Nasser U. Abujbarah
The Law Offices of Nasser U. Abujbarah
7025 E. McDowell Rd., Ste 9, Scottsdale, Arizona 85257

1 Filed this 20th day of
2 JANUARY 2011 with:

3 The U.S. Bankruptcy Court,
4 District of Arizona

5 COPY of the foregoing
6 Mailed this 20th day of
7 January 2011 to:

8 The United States Trustee
9 230 North 1st Avenue
10 Phoenix, Arizona 85003

11 Mark S. Bosco
12 Tiffany & Bosco
13 2525 E. Camelback Road
14 3rd Floor
15 Phoenix, Arizona 85016

16 Garry Edward Musselman
17 Lisa Ann Musselman
18 7036 East Minton Street
19 Mesa, Arizona 85207

20 By Fernando M. Figueroa

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